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COMMISSION ON
CONSTITUTIONAL AMENDMENT
AND REVISION
HARRISBURG

February 27, 1920.

Dear Sir:

I am directed by the Commission on Amendment and Revision of the State Constitution to send you the enclosed copy of a draft of the Constitution embodying certain changes which have been tentatively adopted. A synopsis of the constitutional changes embodied in this preliminary draft is also enclosed.

The Commission desires me to emphasize the fact that this preliminary draft does not represent in any particular the final judgment of the members. The object of the Commission in sending out at this time a draft of the Constitution containing amendments and revisions is to invite criticism and constructive proposals, not merely in respect to the changes tentatively suggested, but also in regard to those sections of the Constitution in which no changes have been made. The Commission desires suggestions affecting matters of substance. Matters of style will be taken up at a later stage of its deliberations.

Public hearings will be held by the Commission in the Senate Chamber in the Capitol at Harrisburg beginning Tuesday, April 6.

Should you desire to appear before the Commission, please notify me at the earliest possible moment, and I will

arrange with you the exact day and time. In asking for a hearing, please state the subject or subjects on which you wish to be heard, as it is the Commission's desire to group speakers according to the articles and the subjects on which they desire to speak.

The Commission also requests me to notify you that new sections and amendments submitted in writing by a speaker at a public hearing will be referred to the appropriate sub-committee of the Commission; that the sub-committee will be required to make to the Commission a report, negative or positive, and that the report will be placed on the calendar for discussion by the Commission as a whole.

If you have a criticism or suggestion to make and do not desire to appear before the Commission, please regard yourself as specially requested to make your criticism or suggestion in writing, sending the same to me, and covering each subject in a special communication. All such written communications will be referred to the appropriate sub-committee.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

Address all communications to
William Draper Lewis, Secretary,
P. O. Box 385,
Harrisburg, Pa.

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COMMONWEALTH OF PENNSYLVANIA

THE COMMISSION ON
CONSTITUTIONAL AMENDMENT AND REVISION

Appointed Under Act of June 4, 1919

PRELIMINARY DRAFT

OF

CONSTITUTION

HARRISBURG, PA.
FEBRUARY 11, 1920

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COMMONWEALTH OF PENNSYLVANIA

THE COMMISSION ON
CONSTITUTIONAL AMENDMENT AND REVISION

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William Draper Lewis, Secretary
Matthew H. Taggart, Assistant Secretary

ry

Commonwealth of Pennsylvania

THE COMMISSION ON Constitutional Amendment and Revision

TENTATIVE DRAFT OF CONSTITUTION

KEY: Words inserted by amendment printed in italics.

Words omitted or stricken out by amendment printed in italics enclosed in [].

Additional sections or sections completely remodeled printed in italics.

PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking his guidance, do ordain and establish this Constitution.

ARTICLE I.

Declaration of Rights.—Liberty and Free Government.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

Natural Rights of Mankind.

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Power of People.

Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

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Rights of Conscience.—Freedom of Religious Worship.

Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

No Disqualification for Religious Belief.

Section 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Freedom of Elections.

Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Right to Vote.

Section 5-A. *The right to vote and to hold office in this commonwealth shall not be denied on account of race, color or sex.*

Trial by Jury.

Section 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Freedom of the Press.—Libel.

Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Searches and Seizures.

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of Accused in Criminal Prosecutions.

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Criminal Information.—Twice in Jeopardy.—Eminent Domain.

Section 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Courts to be Open.—Suits Against Commonwealth.

Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts and in such cases as the legislature may by law direct.

Power of Suspending Laws.

Section 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

Bail.—Fines.—Punishments.

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners to be Bailable.—Habeas Corpus.

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Oyer and Terminer.

Section 15. No commission of oyer and terminer or jail delivery shall be issued.

Insolvent Debtors.

Section 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Ex Post Facto Laws.—Impairment of Contracts.

Section 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Attainder.

Section 18. No person shall be attainted of treason or felony by the legislature.

Attainder Limited.—Estates of Suicides.—Deodands.

Section 19. No attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Right of Petition.

Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Right to Bear Arms.

Section 21. The right of the citizens to bear arms in defense of themselves and the state shall not be questioned.

Standing Army.—Military Power Subordinate to Civil.

Section 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of Troops.

Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Titles.—Offices.

Section 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Emigration.

Section 25. Emigration from the state shall not be prohibited.

Reservation of Powers in People.

Section 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

THE LEGISLATURE.

Legislative Power.

Section 1. The legislative power of this commonwealth shall be vested in a general assembly which shall consist of a Senate and a House of Representatives.

Election of Members.—Vacancies.

Section 2. Members of the general assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Terms of Members.

Section 3. Senators shall be elected for the term of four years and representatives for the term of two years.

Sessions.—United States Senators.

Section 4. The general assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor [*but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of vacancy in the office of United States Senator from this commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days to fill the same*].

Qualifications of Members.

Section 5. Senators shall be at least twenty-five years of age and representatives twenty-one years of age. They shall have been citizens and inhabitants of the state four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of service.

Disqualification to Hold Other Office.

Section 6. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office *or place of profit* under this commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this commonwealth shall be a member of either House during his continuance in office.

Certain Crimes to Disqualify.

Section 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime shall be eligible to the general assembly, or capable of holding any office of trust or profit in this commonwealth.

Compensation.

Section 8. The members of the general assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Presiding Officers.—Other Officers.—Election and Qualifications of Members.

Section 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Quorum.

Section 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Powers of Each Branch.—Expulsion.

Section 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Journals.—Yeas and Nays.

Section 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sessions.

Section 13. The sessions of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Adjournment.

Section 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Privileges of Members.

Section 15. The members of the general assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Senatorial Districts.—Ratio.

Section 16. The state shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one senator. Each county containing one or more ratios of population shall be entitled to one senator for each ratio, and to an additional senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled

to one or more senators when such county may be assigned a senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

Representative Districts.

Section 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Legislative Apportionment.

Section 18. The general assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the state into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

Passage of Bills.—Change of Purpose.

Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference to Committee.—Printing.

Section 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. *The enacting clause of every bill shall precede section one thereof.*

Subject of Bills.—Title.

Section 3. No bill except general appropriation bills *and codifications, compilations and general revisions of existing statutory laws* shall be passed containing more than one subject which shall be clearly expressed in its title. *Any law may in the body thereof set forth a short title by which it may be cited. A law amending, reviving or extending a law shall set forth in its title the title or the short title of the law affected.*

Three Readings.—Amendments.—Final Vote.

Section 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Concurring in Amendments.—Conference Committee Reports.

Section 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Revival and Amendment of Laws.

Section 6. *A law amending, reviving or extending the provisions of a law shall set forth in full the part of the law affected, and an amending law shall also set forth in full the part of the law affected as amended.*

This section in the present Constitution reads: No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be reenacted and published at length.

Special and Local Legislation Limited.

Section 7. The general assembly shall not pass any local or special law:

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards, or public grounds not of the state:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability [*except after due notice to all parties in interest, to be recited in the special enactment*]:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the general assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Classification, Etc.

Section 7-A. For the purpose of legislation the general assembly shall have power to classify counties, cities, boroughs, school districts and townships according to population; but counties, cities or school districts shall not be divided into more than seven classes, and boroughs and townships into more than five classes.

Notice of Local and Special Bills.

Section 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the general assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the general assembly, before such act shall be passed.

Signing of Bills by Presiding Officers.

Section 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Officers and Employes.—Payments.

Section 10. The general assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Extra Compensation Prohibited.—Claims Against the State.

Section 11. No bill shall be passed giving any extra compensation to any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the commonwealth without previous authority of law.

Public Printing and Supplies.

Section 12. *The printing and binding of the laws, journals, bills, documents and papers of the general assembly and the printing and binding required for the other departments shall be let on contract or done directly by the state in such manner as shall be prescribed by law. All furnishings and fuel for the capitol buildings and all paper and stationery required for the legislative and other departments shall be procured under contract. All contracts comprehended by this section shall be awarded to the lowest responsible bidder under such regulations as shall be prescribed by law, and shall be subject to the approval of the Auditor General and State Treasurer; no member or officer of any department of the government shall be in any way interested in such contracts.*

This section in the present Constitution reads: All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the general assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price, and under such regulation, as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Extension of Terms.

Section 13. *No term of any public officer shall be extended, nor his salary or emoluments increased or diminished after his election or appointment except that the salary or emoluments of a judge may be increased.*

This section in the present Constitution reads as follows: No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Revenue Bills.

Section 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

The Budget and the General and Other Appropriation Bills.

Section 15. *On or before March 1 of each year in which the legislature shall be in regular session the Governor shall submit to the general assembly a budget. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the two fiscal years next ensuing, including expenditures for charitable and educational purposes. The Governor shall, at the time of presenting the budget to the general assembly, submit a bill containing the proposed appropriations for the fiscal years covered by said budget, as well as any bill or bills embodying any recommendations he may desire to make as to sources of revenue.*

In submitting proposals for appropriations to charitable, benevolent or educational institutions not under the absolute control of the commonwealth, the Governor shall at the same time submit a plan of distribution among the classes of institutions to be benefited. No item of the general or other appropriation bill shall appropriate any definite sum of money to any such institution or designate any one or more of such institutions as beneficiaries; but all such items shall appropriate a gross sum to be distributed among a class or classes of such institutions (as such class or classes may be defined by law) only in accordance with a plan uniform in its application to all the beneficiaries in any class, said plan to be set forth in the appropriation act or to be prescribed by general law or by an executive agency created by law.

Immediately upon receipt of the Governor's budget the presiding officer of the House of Representatives shall introduce in such House the said appropriation bill and also all bills relating to sources of revenue submitted by the Governor.

The general assembly shall have power to increase, decrease, strike out or otherwise alter any item in the appropriation bill, or add new items thereto.

Until the appropriation bill shall have been finally acted upon by both Houses of the general assembly, neither House shall consider any appropriation measure, unless the same shall be solely for the immediate needs of the general assembly, or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

The final adjournment of the general assembly shall not take place until a period of ten days shall have elapsed after the appropriation bill shall have been finally acted upon by both Houses of the general assembly and shall have been presented to the Governor.

Before final vote is taken on the general appropriation bill in either House of the general assembly, a separate vote shall be taken on each item making an appropriation for a class or classes of institutions not under the absolute control of the commonwealth, and such item shall be stricken from the bill unless it shall receive the support of two-thirds of the members elected to the House in which the vote is taken.

In the present Constitution this section reads as follows: The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Paying Out Public Moneys.

Section 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant by the proper officer in pursuance thereof.

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Appropriations to Charitable and Educational Institutions.

Section 17. *Appropriations for charitable, educational or benevolent purposes may be made to a class or classes of institutions not under the absolute control of the commonwealth, but engaged in work or service deemed by the general assembly to be for the public good, provided such work or service conforms to such standards of excellence as may be prescribed by law, or by an executive agency created by law. Every such appropriation shall be made by a vote of two-thirds of the members elected to each House. Institutions receiving such appropriations shall be subject to inspection by the commonwealth, according to law, and shall make report to the general assembly, or to such person or persons as it may designate of the precise use made of such appropriation.*

In the present Constitution this section reads as follows: No appropriation shall be made to any charitable or educational institution not under the absolute control of the commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each House.

Certain Appropriations Forbidden.

Section 18. *No appropriations for charitable, educational, or benevolent purposes shall be made to any denominational or sectarian institution, corporation or association, nor to any person or community, except that appropriations may be made for pensions or gratuities for military services, and that pensions may be provided for the retirement of judges and of other employes of the commonwealth and its agencies, including the employes of the public schools.*

In the present Constitution this section reads as follows: No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Appropriations for the Support of Widows and Orphans of Soldiers.

Section 19. The general assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Special Municipal Commissions Prohibited.

Section 20. Transferred. See new article on municipalities, section 6.

Employers' Liability.—Workmen's Compensation.—Damages for Injuries to Persons or Property.

Section 21. The general assembly may enact laws requiring the payment by employers, or employers and employes jointly, of reasonable compensation for injuries to employes arising in the course of their employment, and for occupational diseases of employes, whether or

not such injuries or diseases result in death, and regardless of fault of employer or employe, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the general assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Registering, Transferring and Guaranteeing Land Titles.

Section 21-A. Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the state, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties.

This section was added to the present Constitution by the amendment of November 2, 1915. The legislature failed to designate any article or section for the amendment.

Investment of Trust Funds.

Section 22. No act of the general assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the stock of any private corporation nor in private corporate bonds not approved by some authority empowered by the legislature to pass upon issues of bonds [bonds or stock of any private corporation, and]. Such acts now existing are avoided saving investments heretofore made.

Change of Venue.

Section 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Corporate Obligations Owned by State.

Section 24. No obligation or liability of any railroad or other corporation, held or owned by the commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the general assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

Legislation During Special Session.

Section 25. When the general assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Concurrent Resolutions, &c., to be Presented to Executive.

Section 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Section 27. Dropped.

In the present Constitution this section reads as follows: State Inspection of Merchandise Prohibited. No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Change of Location of State Capital.

Section 28. No law changing the location of the capital of the state shall be valid until the same shall have been submitted to the qualified electors of the commonwealth at a general election and ratified and approved by them.

Bribery of Members of Legislature.

Section 29. A member of the general assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or

thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Giving of Bribes.

Section 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the general assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Corrupt Solicitation.

Section 31. The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Investigation of Bribery or Corrupt Solicitation.—Compulsory Testimony.—Disqualification as Punishment.

Section 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this commonwealth.

Member Interested in Bill not to Vote.

Section 33. A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.
THE EXECUTIVE.

Executive Department.

Section 1. The executive department of this commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, [*and a*] Superintendent of Public Instruction *and the heads of such departments as may exist from time to time by legislative enactment.*

Governor.—Election.—Returns.—Contested Election.

Section 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the commonwealth, at the places where they shall vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the president of the Senate, who shall open and publish them in the presence of the members of both Houses of the general assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Governor's Term.

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Lieutenant Governor.

Section 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the Senate, but shall have no vote unless they be equally divided.

Qualifications of Governor and Lieutenant Governor.

Section 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the state, unless he shall have been absent on the public business of the United States or of this state.

Disqualifications.

Section 6. No member of Congress or person holding any office under the United States or this state shall exercise the office of Governor or Lieutenant Governor.

Military Commander.

Section 7. The Governor shall be commander-in-chief of the army and navy of the commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Appointing Power of Governor.—Vacancies.—Confirmation by Senate.

Section 8. *The Governor shall nominate and, by and with the advice and consent of a majority of all the members of the Senate, appoint a Secretary of the Commonwealth, an Attorney General and a Secretary of Internal Affairs during his pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint.*

In offices to which he may appoint, the Governor shall have power to fill all vacancies that may occur during the recess of the Senate or within ten days before final adjournment, by granting commissions which shall expire at the end of their next session, but before final adjournment of such session he shall nominate some one for the full or unexpired term as the case may require; failure of the Governor to so nominate shall be an equivalent to a rejection of any person commissioned during the session in which the vacancy occurred or the recess following the final adjournment of the same; he shall have power to fill any vacancy that may occur during the recess of the Senate or within ten days before the final adjournment in the office of the Auditor General, State Treasurer, in a judicial office, or in any other elective office which he is or may be authorized to fill.

If a vacancy occurs during the session of the Senate, in an appointive or elective office, except within ten days before final adjournment, the Governor shall nominate to the Senate before final adjournment a proper person to fill said vacancy. If the Governor shall not so nominate, he shall not have the power to commission any person to fill such vacancy during the recess following the final adjournment of such session.

In the case of a vacancy in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall occur within sixty days immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office.

No person nominated for an office of trust or profit under the government of this state, who fails to receive confirmation before recess, shall be eligible to appointment to such office during recess. In acting on executive nominations, the Senate shall sit with open doors, and, in confirming or rejecting nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

In the present Constitution this section reads as follows: He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal. (Amendment of November 2, 1909.)

Pardoning Power.

Section 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Information from Department Officials.

Section 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Messages to Legislature.

Section 11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he may judge expedient.

Special Sessions of Legislature.—Adjournments.—Special Sessions of Senate.

Section 12. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

When Lieutenant Governor Shall Act.

Section 13. In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Vacancy in Office of Lieutenant Governor.

Section 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the Senate; and the president pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate; and the Secretary of the Commonwealth, or in case of a vacancy in that office, then the Attorney General, shall in like manner become Governor if a vacancy or disability shall occur in the office of the Governor during a vacancy in both the office of Lieutenant Governor and the office of president pro tempore of the Senate.

Approval of Bills.—Veto.

Section 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the

members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Partial Disapproval of Appropriation Bills.

Section 16. The Governor shall have power to disapprove of *or reduce* any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the *part or parts* [item or items] of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Contested Election of Governor or Lieutenant Governor. Holding Over.

Section 17. The chief justice of the supreme court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Secretary of the Commonwealth.

Section 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the general assembly, and perform such other duties as may be enjoined upon him by law.

Secretary of Internal Affairs.

Section 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the state as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the general assembly.

Superintendent of Public Instruction.

Section 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the superintendent of common schools, subject to such changes as shall be made by law.

Terms of Executive Department Officers.—Ineligibility to Re-election.

Section 21. The term of [*Secretary of Internal Affairs*], the Auditor General and the State Treasurer shall each be four years, and they shall be chosen by the qualified electors of the state at general elections; [*but a State Treasurer elected in the year one thousand nine hundred and nine shall serve for three years, and his successor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter.*] No person elected to the office of Auditor General or State Treasurer shall be *eligible* [*capable*] to hold the same office for two consecutive terms.

Seal.—Commissions.

Section 22. The present great seal of Pennsylvania shall be the seal of the state. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and be sealed with the state seal and signed by the Governor.

ARTICLE V.

THE JUDICIARY.

Judicial Power.

Section 1. The judicial power of this commonwealth shall be vested in a supreme court, a *superior court*, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, *district peace judges*, [*magistrates courts*] and in such other courts as the general assembly may from time to time establish.

Supreme Court.

Section 2. The supreme court shall consist of [*seven judges*] *nine justices learned in the law*, who shall be elected by the qualified electors of the state at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. *The justice oldest in commission* [*judge whose commission shall first expire*] shall be chief justice, and thereafter each [*judge*] justice whose commission shall first expire shall in turn be chief justice.

Jurisdiction of Supreme Court.

Section 3. The jurisdiction of the supreme court shall extend over the state, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the commonwealth whose jurisdiction extends over the state, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Superior Court.

Section 3-A. *The superior court shall consist of seven judges learned in the law, who shall be elected by the qualified electors of the state at large. They shall hold their office for the term of sixteen years, if they so long behave themselves well, and shall not be eligible for re-election. The judge oldest in commission shall be president judge.*

Jurisdiction of Superior Court.

Section 3-B. *Until otherwise directed by law the jurisdiction and powers of the superior court shall be and continue as at present established.*

Common Pleas Courts.—Powers of Judges.—Certiorari.—Election of Judges.—Chancery Powers.

Section 4. *The court of common pleas in each judicial district shall consist of such judge or judges, learned in the law, as the legislature may determine are required in the particular district. These judges shall be elected by the qualified electors of the district. They shall hold office for a term of ten years, if they so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment the Governor may remove any of them on the address of two-thirds of each House of the general assembly. The judge oldest in commission shall be the president judge, but any president judge re-elected in the same court or district shall continue to be the president judge thereof. Not more than four counties shall at any time be included in one judicial district organized for said courts.*

The courts of common pleas shall have original and general jurisdiction in all civil causes and shall exercise the powers and have, subject to such changes as may be made by law, such jurisdiction as is now vested in the courts of common pleas of this commonwealth,

and as is now provided by the acts of assembly heretofore passed, and such other powers as may be from time to time by law conferred upon them.

The several courts of common pleas, besides the powers herein conferred, shall have and exercise, within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law. They shall have appellate jurisdiction in appeals from the justices of the peace and district peace judges; they shall, within their respective districts, have power to issue writs of certiorari to justices of the peace and to other inferior courts not of record and to cause their proceedings to be brought before them and right and justice to be done.

The judges of the courts of common pleas shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery and of the orphans' court except in such judicial districts as now have separate orphans' courts or where by law separate orphans' courts may be created, and within their respective districts shall be justices of the peace as to criminal matters.

The section, besides the new matter indicated by the italics, incorporates the provisions of section 9 as amended, section 10, section 15 as amended, and section 20.

In the present Constitution, section 4 reads as follows: Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Section 9 in the present Constitution reads as follows: Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

Section 15 in the present Constitution reads as follows: All judges required to be learned in the law, except the judges of the supreme court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the general assembly.

Section 20 in the present Constitution reads as follows: The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law.

Judicial Districts.—Associate Judges.

Section 5. Whenever a county shall contain [forty] fifty thousand inhabitants it [shall] may constitute a separate judicial district, and when so constituted shall elect one judge learned in the law, and the general assembly shall provide for additional judges learned in the law, as the business of the said district may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts, as the general assembly may provide. The office of associate judge, not learned in

the law, is abolished [*In counties forming separate districts*], but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Courts of Common Pleas of Philadelphia and Allegheny Counties.

Section 6. *In the county of Philadelphia the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The judge oldest in commission shall be the president judge but any president judge re-elected shall continue to be the president judge.*

The number of judges in said court may be by law increased or decreased from time to time.

In the county of Allegheny there shall also be but one court of common pleas composed of all the judges in commission in said courts with jurisdiction, organization and power as now established, subject to such changes as may be provided by law, and subject to change of venue as provided by law. The judge oldest in commission shall be the president judge but any president judge re-elected shall continue to be the president judge.

The number of judges in said court may be by law increased from time to time.

The said courts in the county of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

This section deals with subjects which, in the present Constitution are dealt with in sections 6 and 8.

Section 6 in the present Constitution reads as follows: In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction

and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law.

The present judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption. (Amendment of November 7, 1911.)

Section 8 in the present Constitution reads: The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Prothonotary of Philadelphia.—Salaries.—Fees.—Dockets.

Section 7. *For Philadelphia county there shall be one prothonotary's office, the prothonotary to be appointed by the judges of said court and to hold his office for three years, subject to removal by a majority of said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries to be determined by law and paid by said county; all fees collected in said office except such as may be due to the commonwealth shall be paid by the prothonotary into the county treasury.*

This section in the present Constitution reads as follows: For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Criminal Courts of Philadelphia and Allegheny Counties.

Section 8. Included in section 6.

Powers of Judges of the Common Pleas Courts.

Section 9. Amended, and as amended, included in section 4.

Certiorari to Courts Not of Record.

Section 10. Included in section 4.

Justices of the Peace.—Aldermen.—Term.—Residence.—Number.

Section 11. *For the better administration of justice, the general assembly shall provide for the division of the several counties of the commonwealth, except the county of Philadelphia, into convenient districts to be known as justices of the peace districts. Cities containing a population of fifty thousand inhabitants or less, as determined by the last United States decennial census, shall separately, or when joined with one or more boroughs or townships or both, constitute separate districts. All other cities shall have one district for each fifty thousand*

inhabitants ascertained as aforesaid, to any of which districts may be added one or more boroughs or townships, or both. Boroughs, towns or townships may constitute separate districts, or may be joined with other boroughs, towns or townships. After each United States decennial census new districts may be created or the boundaries of existing districts altered; but in no case under this section shall boroughs or townships be divided.

One justice of the peace shall be chosen for each district, shall be elected by the qualified electors of the respective districts at a municipal election, and shall hold office for a term of six years from the first Monday of January next ensuing, if he shall so long behave himself well.

Justices of the peace shall have been inhabitants of their respective districts two years next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of office. In districts containing a city, justices of the peace shall have been residents of the city for said period and shall be learned in the law. The said justices shall be removed from office for reasonable cause found by the proper court of common pleas after hearing and upon petition setting forth the said cause, signed by at least five hundred inhabitants of the proper district or in the manner prescribed by article VI of this Constitution.

Vacancies in the said office of justice of the peace shall be filled by the Governor.

Justices of the peace, as herein provided for, shall have the same jurisdiction and powers as are now conferred upon and exercised by justices of the peace, and such as may be conferred by law.

They shall receive a salary for all services rendered in any judicial proceedings, which shall be in lieu of all other compensation, and which shall be fixed by law and paid by the proper county. All fees received for any such services shall be paid into the respective county treasury for the use of the county.

Justices of the peace and aldermen now in office shall serve out their unexpired terms, after which time the offices of justice of the peace and alderman, as they existed immediately prior to the adoption of this Constitution, are hereby abolished.

The general assembly shall, upon the adoption of this Constitution, regulate the costs in proceedings before justices of the peace, shall provide for the relief of persons who by reason of poverty are unable to pay such costs, and shall enact such other laws as may be necessary to fully carry the several provisions of this act into effect.

This section in the present Constitution reads as follows: Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township,

ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district. (Amendment of November 2, 1909.)

District Peace Courts in Philadelphia.—Boundaries.—Jurisdictions.—Disposition of Fines, Fees, Etc.

Section 12. *The general assembly shall divide the county of Philadelphia into eighteen numbered districts of compact territory, as nearly equal in population as shall be possible. After each United States decennial census the court of common pleas may change the boundaries of any districts and may create new districts, the number of which, however, together with the districts in existence, shall never exceed more than one for each one hundred thousand of population of said county.*

A court not of record of police and civil causes, to be known as a district peace court and with jurisdiction not exceeding three hundred dollars, is hereby established in each of such districts, to be composed of one judge, learned in the law and who shall be known as a district peace judge. Such court shall have such civil and criminal jurisdiction as is from time to time exercised by justices of the peace. The general assembly may change their powers and jurisdiction, but no law shall be passed increasing the amount of their civil jurisdiction or imposing on them political duties. It shall also regulate the costs of proceedings in such courts and shall provide for the relief of persons who by reason of poverty are unable to pay such costs. Rules of practice and procedure shall be prescribed by the court of common pleas of Philadelphia county.

Judges shall be chosen at a municipal election by the qualified electors of the respective districts and shall hold office for a term of six years from the first Monday of January next ensuing, if they shall so long behave themselves well. Such judges shall have been inhabitants of their respective districts two years next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of office. They shall be removed from office for reasonable cause found by the court of common pleas of the county after hearing and upon petition setting forth said cause, signed by at least five hundred electors of the proper district, or they may be removed in the manner prescribed by Article VI of this Constitution.

Vacancies in the office of district peace judges shall be filled by the Governor.

The said judges shall receive a salary for all judicial services rendered by them, which shall be in lieu of all other compensation and which shall be fixed by law and paid by the county. All fees, fines and penalties in said courts shall be paid into the county treasury.

Magistrates now in office shall serve out their unexpired terms, after which time the office of magistrates and magistrates' courts in Philadelphia are hereby abolished.

The General Assembly shall, upon the adoption of this Constitution, enact such laws as may be necessary to fully carry into effect the several provisions of this section.

This section in the present Constitution reads as follows: In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished. (Amendment November 2, 1909.)

Disposition of Fines, Fees, Etc.

Section 13. *Dropped. Included in section 12.*

This section in the present Constitution reads: All fees, fines and penalties in said courts shall be paid into the county treasury.

Appeals from Summary Convictions.

Section 14. In all cases of summary conviction in this commonwealth or of judgment in suit for a penalty before a judicial officer [*magistrate*], or court not of record, either party may appeal to such court of record *and on such terms* as may be prescribed by law [*upon allowance of the appellate court or judge thereof upon cause shown*].

Election of Judges.—Term.—Removal.

Section 15. *Dropped. Amended, and as amended, included in section 4.*

Voting for Superior Court Judges.

Section 16. *Dropped.*

This section in the present Constitution reads as follows: Whenever two judges of the supreme court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Commission.

Section 17. Should any two or more judges of the supreme court, or any two or more judges of the court of common pleas for the same district be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Compensation of Judges.

Section 18. The [*judges*] *justices* of the supreme court, *the judges of the superior court* and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, *which may be increased at any time but not diminished during the term for which a justice or judge shall have been appointed or elected.* This compensation shall be fixed by law and paid by the state, *unless otherwise provided herein.*

Residence of Judges.

Section 19. The [*judges*] *justices* of the supreme court *and the judges of the superior court* during their continuance in office shall reside within this commonwealth; and the other judges during their continuance in office shall reside within the districts from which they shall be respectively elected.

Chancery Powers.

Section 20. Included in section 4.

Duties of Judges, Etc.

Section 21. *No duties shall be imposed upon any judge except such as are judicial. The general assembly shall enact such legislation as is necessary to transfer the appointing power now vested in courts or judges, and after such transfer no court or judge shall exercise any power of appointment except as herein provided.*

This section in the present Constitution reads as follows: No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *nisi prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.

Orphans' Court.

Section 22. In every county wherein the population shall exceed one hundred and fifty thousand the general assembly shall, and in any other county may, establish a separate orphans' court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and power vested in or which may hereafter be conferred upon the orphans' court, and thereupon the jurisdiction of the judges of the court of common pleas within such county in orphans' court proceedings shall cease and determine. In any county in which a separate orphans' court shall be established the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court.

All accounts filed with him as register or as clerk of the said orphans' court shall be audited by the court without expense to parties, except where all parties interested in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. *The orphans' court shall have such jurisdiction as is now or may hereafter be provided by law. [In every county orphans' courts shall possess all the powers and jurisdiction of a register's court, and separate registers' courts are hereby abolished].*

Style of Process.—Indictments.

Section 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Appeals to Supreme Court in Criminal Cases.

Section 24. *In all cases of felonious homicide the accused, after conviction and sentence, may remove the indictment, record and all proceedings to the supreme court for review, and in such other criminal cases as may be provided for by law the accused, after conviction and sentence, may remove the indictment, record and proceedings to either the superior court or supreme court for review, as the general assembly may provide.*

This article in the present Constitution reads as follows: In all cases of felonious homicide, and in such other criminal cases as may be provided by law, the accused after conviction and sentence may remove the indictment, record and all proceedings to the supreme court for review.

Vacancies and Courts of Record.

Section 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first election, *as provided in this Constitution for such office*, which shall occur *sixty or more days* after the happening of such vacancy.

Uniform Laws for Courts.—Certain Courts Prohibited.

Section 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the general assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Litigants May Dispense With Jury Trial.

Section 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Section 27-A. *The general assembly shall provide by law, applicable to all courts of record and such other courts as it may deem proper, for the employment of counsel who shall be paid by the county under an order of court, and also for relief from the payment of the costs of litigation in the case of any litigant in said courts who shall be unable without great hardship to employ such counsel and pay such costs, or either; and the general assembly may also provide that the costs of litigation may be classified or graded according to the amount in controversy.*

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Power of Impeachment.

Section 1. The House of Representatives shall have the sole power of impeachment.

Trials of Impeachment.

Section 2. All impeachments shall be tried by the Senate; when sitting for that purpose the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Officers Liable to Impeachment.—Judgment.

Section 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Tenure of Office.—Removals from Office.

Section 4. All officers shall hold their offices on the condition that they behave themselves well while in office *and on conviction of misbehavior in office or of any infamous crime, in addition to the penalties provided by law the court shall order the removal of such officer from office [and shall be removed on conviction of misbehavior in office or of any infamous crime].* Appointed officers, other than

judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the general assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII. OATH OF OFFICE.

Official Oath.—How Administered.

Section 1. Senators and representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth; and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court *and the superior court*, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this commonwealth. The oath to the members of the Senate and House of representatives shall be administered by one of the judges of the supreme court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.
SUFFRAGE AND ELECTIONS.

Qualifications of Electors.

Section 1. Every [*male*] citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the state one year (or, having previously been a qualified elector or native-born citizen of the state, he shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least *sixty days* [*two months*] immediately preceding the election.

4. [*If twenty-two years of age and upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before the election.*]

General Elections.

Section 2. The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such election shall always be held in an even-numbered year.

Municipal Elections.—Election of Judges and County Officers.

Section 3. All judges elected by the electors of the state at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such election shall be held in an odd-numbered year; provided further, that all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year.

Method of Conducting Elections.—Secrecy.

Section 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law; provided, that secrecy in voting be preserved.

Privileges of Electors.

Section 5. Electors shall in all cases except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Voting When Engaged in Military Service.

Section 6. Whenever any of the qualified electors of this commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Registration of Electors.—Uniformity of Election Laws.

Section 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but laws regulating and requiring the registration of electors may be enacted to apply to cities only; provided, that such laws be uniform for cities of the same class.

Bribery at Elections.—Challenging of Electors.

Section 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Violation of Election Laws.

Section 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any election law shall be forever disqualified from holding an office of trust or profit in this commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Witnesses in Contested Elections and Election Investigations.

Section 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Election Districts.

Section 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Elections by Persons in Representative Capacity.

Section 12. All elections by persons in a representative capacity shall be *viva voce*.

Residence of Electors.

Section 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this state or of the United States, nor while engaged in the navigation of the waters of the state or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Election Officers.

Section 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Disqualifications for Election Officers.

Section 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the government of the United States or of this state, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the state; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Overseers of Elections.

Section 16. The courts of common pleas of the several counties of the commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Trial of Contested Elections.

Section 17. The trial and determination of contested elections of electors of President and Vice-President, members of the general assembly, and of all public officers, whether state, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

Taxes to Be Uniform.

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Exemption from Taxation Limited.

Section 2. The general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity; *but in all cases in which exemption is claimed for property used wholly or in part for educational purposes on the ground that the same is an actual place of religious worship or a purely public charity, the exemption shall be allowed only where the language of instruction is English and where the educational standards are at least as high as the standards of public schools of a similar grade. All other exemptions shall be void.*

Taxation of Corporations.

Section 3. Dropped and made section 23 of new article on municipalities.

Limitation on State Debt.

Section 4. *No debt shall be created by or on behalf of the state except to supply casual deficiencies of revenue not exceeding one million dollars, repel invasion, suppress insurrection, defend the state in war, pay existing debts, or, with the approval of two-thirds of all the members elected to each House, improve and rebuild the highways of the commonwealth and acquire land within the commonwealth for forest purposes; provided, however, that no such indebtedness for highways shall be incurred in excess of one hundred and fifty million dollars,*

or for forest purposes in excess of twenty-five million dollars, and such indebtedness shall only be created with the consent of the electors of the State voting thereon at a public election in the manner provided by law.

This section in the present Constitution reads as follows: No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the state in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million dollars.

Limitation on State Loans.

Section 5. All laws, authorizing the borrowing of money by and on behalf of the state, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

State Credit Not to Be Pledged.

Section 6. The credit of the commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the commonwealth become a joint owner or stockholder in any company, association or corporation.

Municipalities Not to Become Stockholders in Corporations nor Loan Credit.

Section 7. Amended and transferred. See new article on municipalities, section 21.

Debts of Municipalities.—Debt of Philadelphia.

Section 8. Dropped. See new article on municipalities, section 22.

Municipal Debt Not to Be Assumed by State.—Exceptions.

Section 9. The commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been enacted to enable the state to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the state in the discharge of any portion of its present indebtedness.

Tax to Liquidate Municipal Debts.

Section 10. Dropped. Included in new article on municipalities, section 23.

State Sinking Fund.

Section 11. To provide for the payment of the present state debt, and any additional debt contracted as aforesaid, the general assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal

thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the state not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Surplus State Funds—Investments.

Section 12. Dropped.

In the present Constitution this section reads as follows: The moneys of the state, over and above the necessary reserve, shall be used in the payment of the debt of the state, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this state.

Reserve Funds Limited.—Monthly Statements of Reserve Funds.

Section 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Punishment for Misuse of State Moneys.

Section 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the state, or member or officer of the general assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Municipal Indebtedness of Certain Public Works.

Section 15. Dropped. Included in new article on municipalities, section 22.

Place of Paying Taxes.

Section 15-A. *The legislature shall provide that taxpayers may pay all taxes at one office in each city and borough.*

ARTICLE X.
EDUCATION.

Public School System.

Section 1. The general assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of this commonwealth [*above the age of six years*] may be educated, *including the care and education of the deaf, the dumb and the blind [and shall appropriate at least one million dollars each year for that purpose].*

Diversion of School Moneys to Sectarian Schools.

Section 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Women Eligible as School Officers.

Section 3. Dropped.

In the present Constitution this section reads as follows: Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this state.

ARTICLE XI.
MILITIA.

Militia to Be Organized.—Maintenance.—Exemption from Service.

Section 1. The freemen of this commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The general assembly shall provide for maintaining the militia by appropriations from the treasury of the commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.
PUBLIC OFFICERS.

Election of State and Local Public Officers.

Section 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law; provided, that elections of state officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.

Incompatible Offices.

Section 2. No member of Congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The general assembly may by law declare what offices are incompatible.

Punishment for Dueling.

Section 3. Dropped.

In the present Constitution this section reads: Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

NEW COUNTIES.

Limitation on Erection of New Counties.

Section 1. Transferred. See new article on municipalities, section 3.

ARTICLE XIV.

COUNTY OFFICERS.

County Offices.

Section 1. Transferred. See new article on municipalities, section 13.

Election of County Officers.—Terms.—Vacancies.

Section 2. Amended, and as amended, included in new article on municipalities, section 7.

Qualifications.

Section 3. Transferred. See new article on municipalities, section 8.

Where Offices Shall Be Kept.

Section 4. Transferred. See new article on municipalities, section 9.

Compensation of County Officers.—Fees.

Section 5. Amended, and as amended, included in new article on municipalities, section 10.

Accountability of Municipal Officers.

Section 6. Amended, and as amended, transferred to new article on municipalities, section 11.

County Commissioners and Auditors.

Section 7. Amended, and as amended, included in new article on municipalities, section 14.

**ARTICLE XV.
CITIES AND CITY CHARTERS.**

When Cities May be Chartered.

Section 1. Dropped.

This section in the present Constitution reads as follows: Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Debts Incurred by Municipal Commissions.

Section 2. Transferred. See new article on municipalities, section 20.

City Sinking Fund.

Section 3. Dropped. See new article on municipalities, section 23.

**ARTICLE XVI.
PRIVATE CORPORATIONS.**

Certain Unused Charters Void.

Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Conditions Imposed on Certain Benefits to Corporations.

Section 2. The general assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

State's Right of Eminent Domain.—Police Power.

Section 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the general assembly from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

Corporate Elections.

Section 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Foreign Corporations.

Section 5. No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Corporate Powers.—Real Estate.

Section 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it hold any real estate except as may be necessary and proper for its legitimate business.

Stocks and Bonds.—Increase of Indebtedness.

Section 7. *Shares of stock having par value shall be issued only for the equivalent of such par value in money, labor done or property actually received; but subject to such provisions respecting public notice as may be made by the general assembly, and subject to the power of the general assembly directly or through an administrative agency to regulate issues of stock of public service companies, a corporation may issue additional full-paid shares for a consideration in money, labor or property equal to the current market value of its shares theretofore issued. Neither the stock nor indebtedness of corporations shall be increased except in pursuance of general law nor without the consent of the person holding the larger amount in value of the stock first obtained at a meeting to be held after thirty [sixty] days' notice given in pursuance of law.*

In the present Constitution this section reads as follows: No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received: and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Property Taken, Injured or Destroyed by Private and Municipal Corporations.

Section 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The general assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Banking Laws.

Section 9. Every banking law shall provide for the registry and countersigning, by an officer of the state, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Revocation and Alteration of Corporate Charters.—New Charters.

Section 10. The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators. [*No law hereafter enacted shall create, renew or extend the charter of more than one corporation*].

Bank Charters.

Section 11. *The general assembly shall have the power by general law to provide for the incorporation of banks and trust companies, and to prescribe the powers thereof.*

This section in the present Constitution reads as follows: No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Section 12. Dropped.

This section in the present Constitution reads as follows: Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines, and the general assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Joint-Stock Companies or Associations Treated as Corporations.

Section 13. The term "corporation" as used in this *and in the next succeeding* article shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

Corporations for Public Service.

Section A-1. *The general assembly, by general laws or through such agency as it may from time to time create, shall have power to regulate public service and the business of all corporations engaged therein.*

Railroads and Canals to Be Public Highways and Common Carriers.—Connection With Other Lines.

Section 1. Dropped.

This section in the present Constitution reads as follows: All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

Stock Transfer Office.—Books.

Section 2. Dropped.

This section in the present Constitution reads as follows: Every railroad and canal corporation organized in this state shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Regulation of Telegraph Lines.

Section 2-A. *Any corporation organized for the purpose shall have the right to construct and maintain lines of telegraph or telephone within this state and to connect same with other lines.*

No Discrimination in Service.

Section 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the state or coming from or going to any other state. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Consolidation Permitted.

Section 4. *Subject to such regulations as shall be prescribed by general law or by such agency as may be constituted from time to time by the general assembly, corporations for public service may consolidate with or purchase the property of or may, through stock ownership or otherwise, acquire and exercise the control of other corporations formed for the same or a kindred purpose.*

This section in the present Constitution reads as follows: No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel

or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Limitation of Powers.

Section 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Officers Not to be Interested in Contracts.

Section 6. Dropped.

This section in the present Constitution reads as follows: No president, director, officer, agent or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Discrimination and Preferences Prohibited.

Section 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Passes Prohibited.

Section 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

Street Railways.

Section 9. Dropped. Included in new article on municipalities, section 17.

Acceptance of These Articles.

Section 10. No railroad, canal or other [*transportation company*] *public service corporation*, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Section 11. Dropped.

This section in the present Constitution reads as follows: The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Enforcement of This Article.

Section 12. The general assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

How Constitution May Be Amended.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the general assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the state in such manner, and at such time at least three months after being so agreed to by the two Houses, as the general assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

ARTICLE (New) MUNICIPALITIES.

Kinds of Municipalities.

Section 1. The municipalities of this commonwealth are counties, townships, cities, boroughs, school districts, and such other incorporated districts as the general assembly shall by law create.

Creation of Boundaries.

Section 2. The general assembly may provide for the creation, division and change of boundaries of municipalities.

New Counties.

Section 3. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area or containing a less population, nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

This is article XIII, section 1, of the present Constitution.

Cities and Boroughs.—Creation and Change of Boundaries.

Section 4. No city or borough shall be created, nor shall the boundaries thereof be changed except by the consent of at least a majority of such electors resident within the proposed boundaries including a majority of such electors residents within the proposed added area as shall vote on the proposed change at an election which shall be held as may be provided by law; nor shall any change in boundaries be made which shall place outside the existing limits of a city or borough any part thereof without the consent of at least a majority of such electors resident within the proposed excluded area as shall vote.

Incorporated Districts.

Section 5. The general assembly, in order to facilitate public works for the benefit of two or more municipalities, may provide for the creation of classes of incorporated districts which may extend over more than one municipality and may vest in such incorporated district one or more of the powers vested by law in the municipalities within their respective boundaries and additional powers, and may make any power so vested an exclusive power or a power concurrent with the municipalities wholly or partly within their respective boundaries. No such incorporated district shall be created or its boundaries extended or its powers increased except by the consent of at least a majority of such electors resident within the proposed boundaries of the incorporated district as shall vote on the question at an election which shall be held as may be provided by law. No incorporated district shall be created entirely within the boundaries of a city or borough.

Special Commissions Prohibited.

Section 6. The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

This is article III, section 20, of the present Constitution.

Election.—Appointment of County Officers.

Section 7. County commissioners, sheriffs and treasurers shall be elected. All other municipal officers shall be elected or appointed by an officer or agency of the municipality as may be provided by law.

This is article XIV, section 2, of the present Constitution as amended. In the present Constitution this section reads as follows: County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law. (Amendment of November 2, 1909.)

Residence of County Officers.

Section 8. No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

This is article XIV, section 3, of the present Constitution.

Certain County Officers to Have Offices in County Town.

Section 9. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs shall keep their offices in the county town of the county in which they respectively shall be officers.

This is article XIV, section 4, of the present Constitution.

Compensation of County Officers.

Section 10. The compensation of county officers shall be regulated by law, and all fees which county officers may be authorized to receive shall be paid into the treasury of the county or state as may be directed by law.

All county officers shall be paid only by salary for services performed for the county, state or any political subdivision of either or for any other official service.

This is article XIV, section 5, of the present Constitution as amended. The present Constitution reads as follows: The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or state, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Accountability of Municipal Officers.

Section 11. The general assembly shall provide by law for the strict accountability of all municipal [county, township and borough] officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

This is article XIV, section 6, of the present Constitution.

Section 12. As reported by committee not adopted.

County Officers.

Section 13. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

This is article XIV, section 1, of the present Constitution.

County Commissioners and County Auditors.

Section 14. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and twenty-three, one for two years, and two for four years; and every two years thereafter one and two alternately, for four years; and in the election of said officers for a four-year term each qualified voter shall vote for one person; any casual vacancy in the office of county commissioner or county auditor shall be filled by the Governor by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

This is article XIV, section 7, of the present Constitution, and reads as follows: Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled. (Amendment of November 2, 1909.)

Section 15. *New.* As reported by committee not adopted.

Section 16. *New.* As reported by committee not adopted.

Construction of Passenger Railways in Cities, Boroughs and Townships.

Section 17. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities; *provided, that nothing in this Constitution shall be so construed as to restrict the police power of the state over the operation of public utilities.*

This is article XVII, section 9, of the present Constitution as amended.

Assessment of Benefits for Public Improvements.

Section 18. The general assembly may authorize assessments against all properties, whether abutting or not, which are particularly benefited by the construction, enlargement, laying out, widening grading or other improvement of public highways, parks, buildings or other public works by the state or any municipality thereof.

Extent of Land Permitted to Be Taken for Public Improvements.

Section 19. Whenever the public purpose for which land is taken can best be attained by acquiring more land than the commonwealth or the municipality proposes to retain, the commonwealth or the municipality, subject to such limitations as the general assembly may prescribe, may take all the land which in the judgment of the proper officials is needed for the attainment of such purpose and may thereafter dispose of portions thereof, subject to restrictions protective of the public interest.

Debts Incurred by Municipal Commissions.

Section 20. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

This is article XV, section 2, of the present Constitution.

Municipalities Not to Become Stockholders in Corporations, Etc., Nor Loan Credit.

Section 21. The general assembly shall not authorize any municipality [county, city, borough, township or incorporated district] to become a stockholder in any company, association or corporation or to obtain or appropriate money for, or to loan its credit to, any corporation, association [institution] or individual; but a lease by a municipality of a public service facility owned by it shall not be construed to violate the provisions of this section, although the principal consideration for the lease is the covenant of the lessee to use the facility under regulations protective of the public interest, or because the provision for a pecuniary return of the lessor is made contingent upon the earnings of the lessee's entire system.

This is article IX, section 7, of the present Constitution as amended.

Debts of Municipalities.—Certain Public Works.

Section 22. A municipality shall have the power, in the manner provided by law, to incur a net indebtedness to an amount not exceeding ten per centum upon the assessed value of the taxable property therein, but no indebtedness shall be incurred or no increase thereof made in excess of three per centum of such assessed valuation, except with the assent of a majority of the electors of the municipality voting at a public election.

In calculating the indebtedness of a municipality for the purpose of ascertaining its borrowing capacity, there shall be deducted from the indebtedness and disregarded in the calculation:

(a) The amount of any indebtedness incurred for public improvements secured by liens on such improvements and imposing no municipal obligation whatever.

(b) *Any debt incurred to acquire public improvements, provided the net income derived from the property acquired for the period of five years immediately preceding its acquisition shall have been sufficient to have paid the interest and amortization charges for five years on such indebtedness.*

(c) *An amount equal to that capital sum which will yield at the legal rate of interest and amortization charges an annual revenue equal to the net revenue received by the municipality from any public improvement during the last preceding fiscal year, provided the debt incurred for the acquisition of the property has not been deducted under the provisions of clause (b) hereof.*

Section 22. This is a combination of article IX, sections 8 and 15. These sections read as follows:

Section 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven (7) per centum upon the assessed value of the taxable property therein, but the debt of the city of Philadelphia may be increased in such amount that the total city debt of said city shall not exceed ten (10) per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. In ascertaining the borrowing capacity of the said city of Philadelphia, at any time, there shall be excluded from the calculation and deducted from such debt so much of the debt of said city as shall have been incurred, and the proceeds thereof invested, in any public improvements of any character which shall be yielding to the said city an annual current net revenue. The amount of such deduction shall be ascertained by capitalizing the annual net revenue from such improvement during the year immediately preceding the time of such ascertainment; and such capitalization shall be estimated by ascertaining the principal amount which would yield such annual, current net revenue, at the average rate of interest, and sinking fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be deducted, may be prescribed by the general assembly. In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking fund sufficient to retire said obligations at maturity, the payment to such sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvement of public works of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten, article nine of the Constitution of Pennsylvania, until the expiration of said period of one year after the completion of said work. (Amendment of November 4, 1918.)

Section 15. No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year;

and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by the three-fifths of the electors voting at a public election, in such manner as shall be provided by law. (Amendment of November 4, 1913.)

Sinking Fund.—Serial Bond Provisions.

Section 23. In incurring indebtedness any municipality may issue its obligations maturing not later than fifty years from the date thereof, and except as herein provided, shall create a sinking fund sufficient to retire such obligations at maturity, to which purpose said sinking fund shall be inviolably pledged. The payments to such sinking fund may be in equal or graded annual or other periodical installments. But such obligations may be made to mature serially, beginning one or more years after the date thereof, and not extending beyond fifty years from such date. No municipality shall incur any indebtedness unless it shall at or before the incurring thereof provide for the collection of an annual tax sufficient to pay the interest and also the principal of such debt at maturity. When serial obligations shall be issued as herein provided, the proceeds of the tax levied to pay the principal thereof shall in lieu of payment into a sinking fund be used for the discharge of such serial issues as they shall respectively mature, except that certificates of indebtedness or other obligations to mature within the current fiscal year may be issued in anticipation of the collection of current revenue. Where any indebtedness shall be incurred by any municipality for the purpose of the construction or acquisition of public works of any character from which income or revenue is to be derived by said municipality, or for the reclamation of land to be used for the construction of wharves or docks owned or to be owned by it, such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund or serial charges which may accrue thereon throughout the period of construction or acquisition, and until the expiration of one year after the completion thereof, but not extending beyond five years from the incurring of such debt, and said municipality shall not be required to levy a tax to pay said interest and sinking fund charges until the expiration of the said period of one year from the completion of such construction or acquisition.

This section is a combination of sections 10 and 11 of article IX. These sections read as follows:

Section 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Section 11. To provide for the payment of the present state debt, and any additional debt contracted as aforesaid, the general assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the state not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

WILLIAM I. SCHAFFER
Chairman



WM. DRAPER LEWIS
Secretary
M. H. TAGGART
Asst. Secretary

COMMISSION ON
CONSTITUTIONAL AMENDMENT
AND REVISION
HARRISBURG

Synopsis of Changes in the Constitution Embodied in the
Preliminary Draft.

Note: The preliminary draft was adopted by the Commission on February 11th. It is the result of the meetings and discussions by the Commission between the date of its organization, December 9, 1919, and February 11, 1920. These meetings were held in the Senate Chamber in the Capitol at Harrisburg every week except Christmas week, lasting two or three days each week.

The preliminary draft does not represent in any particular the final judgment of the members. The object of the Commission in adopting it is to invite criticism and constructive proposals. In order that the changes tentatively adopted may receive as wide discussion as possible, the Commission has adjourned until April 6, when public hearings will begin.

On the conclusion of the public hearings the Commission will take up the preparation of a second draft in the light of criticisms and suggestions of the preliminary draft and their own further study.

It is earnestly requested that the press cooperate with the Commission in giving the preliminary draft wide publicity.

No changes have been suggested in article I, "Declaration of Rights," except that between sections 5 and 6 a new section is inserted declaring that the right to vote and to hold office shall not be denied on account of race, color or sex.

No changes have been made in article II, which deals with "The Legislature," except that that portion of section 4 which relates to

the election of United States senators by the legislature is stricken out, having become obsolete in view of the seventeenth amendment of the United States Constitution providing for the election of United States senators by the people.

In article III, "Legislation," three important changes are proposed relating, respectively, to the classification of municipalities, to a state budget and to appropriations to charitable and educational institutions, respectively.

The general assembly is given the right to classify counties, cities or school districts into as many as seven classes and boroughs and townships into as many as five classes.

Perhaps the most important single change suggested is that which incorporates the budget system in the Constitution. Section 15, article III, of the draft requires the Governor, on or before March 1 of each year in which the legislature is not in session to submit to the general assembly a budget. The budget must contain a complete plan of proposed expenditures and estimated revenues for the two fiscal years next ensuing. At the time of submitting the budget the Governor must also submit a general appropriation bill embodying the budget proposals as well as any bill or bills embodying any recommendations he may desire to make as to sources of revenue. Until the appropriation bill shall have been finally acted upon by both Houses, neither House shall consider any appropriation measure unless the same shall be solely for the immediate needs of the general assembly or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

The present Constitution requires that any appropriation for a charitable, educational or beneficial institution must be made in a separate bill. The provisions of the preliminary draft suggest a complete reversal of this requirement. It is specifically required that the general appropriation bill must contain the recommendations of the Governor, not merely in respect to the general expenses of government, but also for expenditures for charitable and educational purposes. Furthermore, all appropriations to individual institutions not under the absolute control of the commonwealth are prohibited. No item of the general or other appropriation bill shall appropriate any definite sum of money to any such institution, or designate any one or more of such institutions as beneficiaries. The appropriation must be made to a class or classes of institutions in accordance with a plan uniform in its application to all the beneficiaries in any class.

The plan of distribution must be set forth in the appropriation act or be prescribed by general law or by an executive agency created by law.

Another change in this third article enables the state to provide pensions for the retirement of judges and all other employes of the commonwealth including the employes of the public school system.

The two principal changes in article IV, which relates to "The Executive," are one making it impossible for the Governor to neglect to submit a nomination to the Senate and, after their adjournment, filling the office; and another making the Secretary of Internal Affairs an appointive instead of, as at present, an elective office.

There are nine principal changes in article V, "The Judiciary."

(1) The number of supreme court judges is increased from seven to nine.

(2) The superior court is made a constitutional court consisting of seven judges elected for sixteen years. If the change is adopted the legislature can no longer change the organization of this court.

(3) The office of associate judge not learned in the law is abolished.

(4) In Philadelphia, the five courts of common pleas are consolidated, the judge oldest in commission becoming the president judge of the new court.

(5) Outside of Philadelphia County, the general assembly is directed to divide the state into justice of the peace districts. The general principles to be followed in the districting are set forth, the result anticipated being a very considerable reduction in the number of the justices.

(6) In Philadelphia, magistrates are abolished, and the general assembly is directed to divide the city into eighteen districts. In each district a court not of record, of police and civil cases, is to be created. These courts are to be designated as district peace courts, and are to be composed of one district peace judge to be elected by the qualified electors of the district. The jurisdiction in civil cases is not to exceed three hundred dollars.

(7) The compensation of a judge may be increased but not diminished during his term. At present the compensation can neither be increased nor diminished.

(8) The prohibition against imposing on a judge any duty that is not judicial, which at present applies only to justices of the supreme court, is extended to all judges, and the general assembly

is directed to transfer the appointing power now vested in the courts. After such transfer no court or judge shall exercise any power of appointment except the power of appointing overseers of elections.

(9) Section 16, providing that when two justices of the supreme court are to be chosen for the same term of service, each voter shall vote for one only, a provision popularly known as minority representation, has been omitted.

In the article on "Suffrage and Elections," in the section dealing with the qualifications of electors, the word "male" is stricken out, thus conferring the right of suffrage on women. The requirement that the voter shall have paid, within two years, a state or county tax is abolished.

An amendment to section 2 of the article on "Finance and Taxation," provides that when an exemption from taxation is claimed for property used wholly or in part for educational purposes on the ground that the same is an actual place of religious worship or a purely public charity, the exemption shall be allowed only where the language of instruction is English and where the standards of instruction are at least as high as the standards of public schools of similar grade.

A change in section 4 of the same article permits the state to borrow not in excess of \$150,000,000 for roads, and not in excess of \$25,000,000 to acquire land for forest purposes, provided no part of these sums shall be borrowed without the approval of two-thirds of the members elected to each branch of the general assembly, ratified by a majority of the electors voting thereon at a public election.

The mandatory direction to the general assembly in article X, "Education," to support a thorough and efficient system of public schools, has been extended to include the care and education of the deaf, the dumb and the blind.

In the article on "Private Corporations," the section on stocks and bonds has been re-written. As amended it prevents stock having a par value being issued for less than an equivalent of such par value in money, labor done or property actually received, except that companies having stock which has acquired a current market value may issue full-paid stock for the equivalent of such market value.

The name of article XVII, "Railroads and Canals," has been changed to "Corporations for Public Service," and a new section in this article confers on corporations for public purposes, subject to

such regulations as may be made by law or by an agency such as the Public Service Commission established by law, the right to consolidate with other companies formed for the same or a kindred purpose.

The most extensive change adopted is the introduction of an entirely new article on "Municipalities." In this article has been gathered, in their original form or as amended, all the provisions of article XIII on "New Counties," article XIV on "County Officers," and article XV on "Cities and City Charters," besides those provisions of article IX on "Taxation and Finance," which relates to the borrowing power of municipalities. The term "municipality" as used in the article includes counties, townships, cities, boroughs, school districts and incorporated districts.

The principal changes embodied in the new article are:

(1) The provision for incorporated districts to "facilitate public works for the benefit of two or more municipalities." These incorporated districts may include a part or all of two or more municipalities. Thus a city and a part or all of the surrounding counties may be included in a park district, or a drainage district, or a sewage disposal district. No such incorporated district can be created without the consent of a majority of the electors voting on the question resident within the proposed boundaries of the district.

(2) It is provided that no city or borough can be created or its boundaries extended without the consent of a majority of the electors voting thereon, and also in the case of an extension without the consent of a majority of the electors of the territory which it is proposed to annex.

(3) The payment to county officers of commissions for the collection of state taxes and the payment of such officers by fees in counties containing 150,000 inhabitants or less is abolished, being provided that all county officers must be paid by salary for all services.

(4) The general assembly may authorize assessments against all properties, whether abutting or not, which are particularly benefited by public parks, buildings or other works.

(5) Whenever the public purpose for which land is taken may be best attained by acquiring more land than it is proposed to retain, the commonwealth or the municipality, subject to such restrictions as the general assembly may prescribe, may take all the land which in the judgment of the proper officers is needed for the attainment of such purpose, and may thereafter dispose of portions thereof subject to restrictions protective of the public interest. This provision would enable a city opening a boulevard to take enough land on either

side of the actual lines of the boulevard to provide lots of a proper depth and of such a character as to realize the artistic and practical purposes of the improvement.

(6) The provisions in the present Constitution in respect to the borrowing capacity of municipalities vary as between Philadelphia and other municipalities, though the variation is more in detail than in substance. The present conflicting and confused provisions have been combined and simplified in section 22 of the new article. All municipalities are given the power to borrow an amount not exceeding ten per centum of the value of their taxable property.

(7) Municipalities are given the right to issue serial bonds if they should prefer this method to the present method of long-term loans with provisions for a sinking fund.

While the changes above indicated may seem numerous and unquestionably many are of first importance, it may be of interest to note that out of the 209 sections in the present Constitution, only 51 are amended and 11 dropped; 18 new sections are suggested; and 23 sections are transferred to the new article on municipalities, or to other articles.

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